

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6619 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

-----  
K K PARIKH

Versus

SECRETARY

G E B

-----  
Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 29/10/1999

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. From annexure 'D' an undisputed document, I find that nine years services have been completed by the petitioner No.1, a Dy. Engineer in the Board, on 29th November, 1973. He opted for the grant of higher pay benefits on completion of nine years services from 1st December, 1973 and he was granted those benefits from 1st

April, 1976.

3. The grievance in this petition is only limited to the extent that he should have been granted the benefit of higher pay scale from 1st December, 1973. In the service record of the petitioner, there are adversities i.e.. the adverse remarks for the years 1967-68, 1969-70, 1970-71, 1971-72 and 1973-74. So consistently his service record is not good from 1967-68. It is true that the adverse remarks for the year 1967-68 were not communicated to the petitioner and the adverse remarks for the year 1969-70 were expunged on his representation. Even if it is taken that the adverse remarks for the year 1970-71 were not communicated but it is a fact that the adverse remarks for the years 1971-72 and 1973-74 were communicated to the petitioner and against the adverse remarks for the year 1971-72 he filed a representation, which has also been rejected. He filed a representation against the adverse remarks after 12 years. Against the adverse remarks for the year 1973-74 though the same were communicated to him he has not chosen to file representation. In the presence of the adverse remarks for the years 1971-72 and 1973-74, the decision taken in this case by the Board to grant the benefit of higher pay scale to the petitioner from 1st April, 1976 can not be said to be arbitrary.

4. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. NO order as to costs.

\*\*\*\*\*

zgs/-